

Land Use Code Amendments

Confirmation of Overlay Approach Wrap-Up

City Council Study Session
February 4, 2013

Tonight: Wrap Up/Hearing Prep

- ▶ Review Code by Major Components
 - Summarize code approach by Topic Block
 - Describe changes made as a result of City Council feedback received since the last public hearing
- ▶ Prepare for the Feb 11 Public Hearing
- ▶ Schedule and Next Steps

Code Adoption Schedule

Scheduled Date/Timeframe	Light Rail Code Amendment Topic
February 4	Confirmation of Code Approach and Wrap-up
Early February	SEPA Threshold Determination on code amendment expected <ul style="list-style-type: none">• Comments accepted until SEPA determination made• SEPA Determination required prior to Council final action
February 11	Second Public Hearing on Light Rail Overlay
February 19/25	Anticipated Final Action

Council Input Needed

- ▶ Confirm Direction of Draft Code for presentation at the Public Hearing
- ▶ Provide direction to complete preparations for the public hearing
 - Prepare clean Light Rail Overlay Draft
 - Prepare conformance amendments

Topic Blocks – Organized by Code Section

- ▶ **General Sections and Definitions**
 - Who May Apply
 - Definitions – Treatment of Maintenance Facility (OMSF)
- ▶ **Required Light Rail Permits**
 - Two Process Path for Use Permit (DA/CUP)
 - Design and Mitigation Review – Compliance with Other City Codes
- ▶ **Citizen Advisory Committee Involvement in Permitting**
- ▶ **Development Standards**
 - Dimensional Requirements –Heights/Setbacks
 - Landscape Development
 - Critical Areas
- ▶ **Design Guidelines**
- ▶ **Administrative Modification Process**
- ▶ **Treatment of Nonconformities**

Who May Apply

Who may apply for permit		
<p>Sound Transit only after commencement of its property acquisition process*</p> <p>*Not all acquisitions will require condemnation</p>	<ul style="list-style-type: none"> • Provides notice to property owners who may be impacted by permit • Can be coordinated with existing Sound Transit acquisition process • Does not eliminate or modify ST's state and federal property acquisition requirements 	<p>Difficult to determine, may have minor impact on timing of permit application</p>
<p>Sound Transit with or without property owner consent</p>	<ul style="list-style-type: none"> • Consistent with City practice on other public projects (PSE, City) • Allows for simultaneous pursuit of permits and ROW acquisition; typical for large public projects 	<p>Would not impact current permit application schedule</p>
<p>Sound Transit only after formal commencement of condemnation</p>	<ul style="list-style-type: none"> • Allows property owners unwilling to convey property to Sound Transit to control timing of permit application • Treats project differently from other large public project where agency has condemnation authority 	<p>Significant delay to timing of permit application (12 to 18 month impact) with associated project costs</p>

Who May Apply – Changes in Response to Council Feedback

- ▶ Added conditions that must be met before applications can be made by a Regional Transit Authority
- ▶ Regional Transit Authority must have:
 - Property interest
 - Consent of the owner, or
 - Board authorization to acquire

Definitions

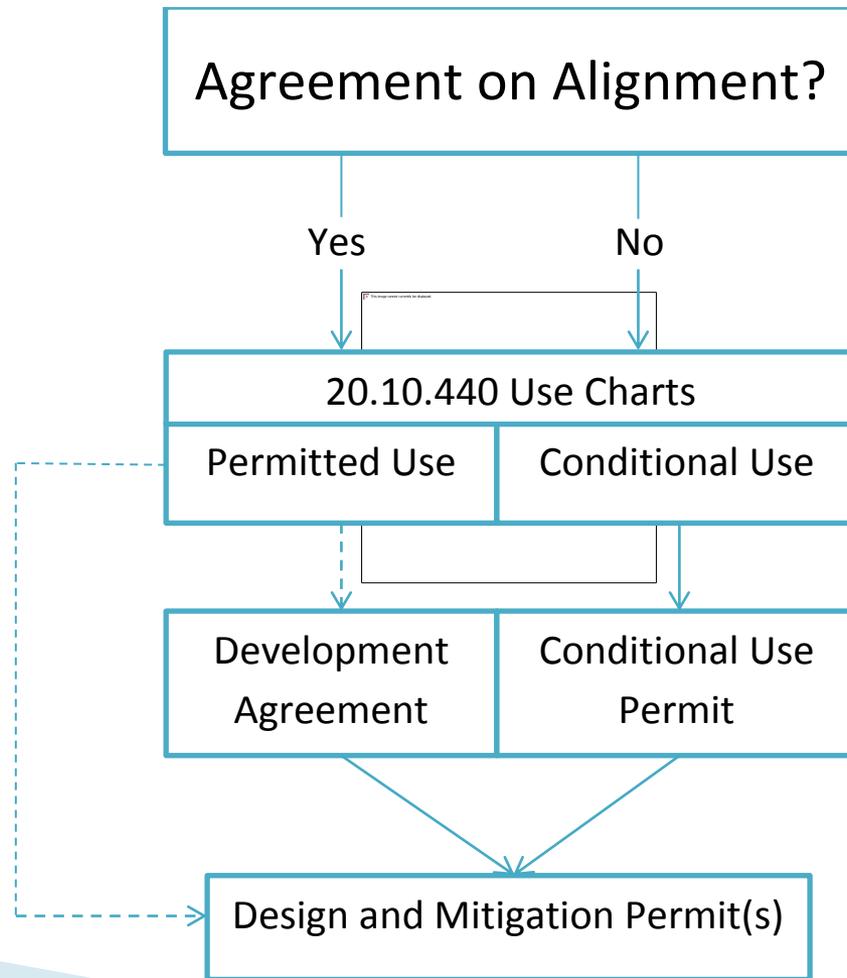
Treatment of OMSF in Overlay		
<p>Delete OMSF from definition of facilities addressed in Overlay; subject OMSF to existing CUP and EPF requirements</p>	<ul style="list-style-type: none"> • Consistent with CDP/MOU commitments • Allows for greater understanding of likely impacts through Sound Transit’s environmental review process • Maintains maximum flexibility to respond to OMSF 	
<p>Include OMSF within overlay with specific standards and guidelines</p>	<ul style="list-style-type: none"> • Likely impacts overall Overlay action date (resulting impact on East Link permitting schedule and project cost) • Currently insufficient information to understand magnitude of use and potential impacts 	<p>Delay in Overlay may impact permitting schedule and project cost</p>

Definitions –

Changes in Response to Council Feedback

- ▶ Defined Operations and Maintenance Satellite Facility (OMSF) – 20.25M.020.C
- ▶ Specifically Excluded OMSF from inclusion in the Overlay – 20.25M.020.D
- ▶ Added a definition of “Light Rail Best Practices” – 20.25M.020.B
- ▶ Plan to add definition of Regional Transit Authority prior to public hearing

Required Permits



Required Use Approval – Two Process Path

Permit Process		
<p>Overlay with consolidated approvals through two process paths including formal CAC; Separate shoreline permit required and may be pursued independently</p>	<ul style="list-style-type: none"> • Maintains flexibility for future decisions on alignment and MOU offramp • Consistent with CDP/MOU goals of streamlined process • Allows ST ability to manage to construction schedule • Continued ability for Council input with Development Agreement • Clear process for citizen involvement through CAC 	<p>6-9 months for permit</p>
<p>Overlay with consolidated approvals with CUP required in all cases, including formal CAC; Allow for Development Agreement Separate shoreline permit required and may be pursued independently</p>	<ul style="list-style-type: none"> • Council agreement on alignment does not impact permit path • Consolidated approvals address some CDP/MOU goals • Clear process for citizen involvement through CAC • Adds time to permitting process • Affects shoreline permitting process and timeline (shoreline conditional use permit required) 	<p>Could add 3 to 9 months in permitting time; impact to schedule affects project cost</p>
<p>No overlay; require use of existing permit process</p>	<ul style="list-style-type: none"> • Gaps in existing code for design guidelines specific to light rail; • Gaps in existing code for elements constructed within City right of way • Does not respond to MOU/CDP goals • Increased uncertainty for Sound Transit • Less accessible to citizens for clear path to involvement and influence 	<p>Could add 6 to 12 months in permitting time; impact to schedule affects project cost</p>

Use Approval Process– Changes in Response to Council Feedback

- ▶ Development Agreement, Ordinance, Resolution
 - Alignment approval action may occur only after the Overlay is adopted – 20.25M.030.B.1.a
 - DA appeal is to Superior Court – 20.25M.030.B.1.b

- ▶ Conditional Use Permit – 20.25.030.B.2
 - EPF requirements apply if CUP required – 20.25M.030.B.2.a
 - CUP required when alignment not approved by DA, Ordinance or Resolution – 20.25M.030.B.2.b
 - Light Rail Best Practices specifically included in decision criterion – 20.25M.030.B.2.c.i
 - Process I HE review required– 20.25M.030.B.2.d

Design and Mitigation Review

Compliance with other City codes		
<p>Include requirement that project comply with all other city codes, now or as amended</p>	<ul style="list-style-type: none"> • Codifies existing requirement to create clear expectations • Avoids creating new or different standards for issues already regulated in other City codes (noise, street construction standards, building codes) 	
<p>Duplicate or create new requirements within Land Use Code</p>	<ul style="list-style-type: none"> • Consolidates requirements in single code • Potential for inconsistencies over time • Burdensome for public and reviewers to use and understand LUC • Potential permit delay if technical code compliance requires higher level of engineering design that typically required for land use permit 	

Design and Mitigation Review – Changes in Response to Council Feedback

- ▶ Scope of approval (20.25M.030.C.2) requires consistency with:
 - Comp Plan and Light Rail Best Practices
 - Previously approved DA or CUP
 - Applicable requirements of Bellevue City Code
- ▶ Decision Criteria (20.25M.030.C.3) expanded to include:
 - Compliance with CAC review requirements
 - Light Rail Best Practices
 - Applicable requirements of Bellevue City Code
 - Consolidation of Process II permits

Council Direction on CAC – Incorporate into Project Design Phases

CAC Review Phases	Regional Transit Authority Design Phases	City Overlay Permit Phases
Context Setting	Preliminary Engineering Phase (0-30% Design)	Pre-Application Conference
Schematic Design	Design Phase (35% Design) (65% Design) (90-100% Design)	Pre-Development Consultation
Design Development		Land Use Permits (CUP in absence of Development Agreement, and Design and Mitigation Permits)
Construction Documents		Building Permits

CAC Involvement –

Changes in Response to Council Feedback

- ▶ New code section added – 20.25M.035 includes:
 - Purpose of the CAC
 - Formation timing and desired member experience
 - Scope of CAC work
 - Involvement process for CAC – including timing and consolidation expectations
 - Anticipated CAC Work Product
 - Policy* and Regulatory guidance for CAC work
 - Meeting operations for CAC

*Linked to more robust Design Guideline Intent/Context Considerations to be discussed later in the Study Session presentation

Development Standards – 20.25M.040

- ▶ Height Limitations
- ▶ Setbacks
- ▶ Landscape Development
- ▶ Critical Areas
- ▶ Other Design and Mitigation Requirements
 - Fencing
 - Mechanical Equipment
 - Parking and Circulation

Height Limitations

Light Rail Facility Heights		
<p>Allow for minimum height necessary to accommodate agreed alignment*</p> <p>*Design guidelines will include requirement for screening and softening of structures, including parking structure rooftop</p>	<ul style="list-style-type: none"> • Consistent with MOU/CDP goals • Consistent with treatment of EPF • Provides greater near-term certainty for Sound Transit • Formal CAC will provide input on screening and softening issues 	
<p>Establish height limit consistent with underlying land use district, with ability to modify through permitting process</p>	<ul style="list-style-type: none"> • Similar to treatment of other EPF through LUC Section 20.20.350 • Creates uncertainty until permitting process complete 	

Height Limitations – 20.25M.040.B.1

Changes in Response to Council Feedback

- ▶ Determined based on Use Approval Process
- ▶ When DA, Ordinance or Resolution adopted:
 - Allowable height dictated by alignment preference
- ▶ When no DA, Ordinance or Resolution:
 - Height limit as required for underlying land use district
 - Requests to exceed height limit processed pursuant to EPF requirements:
 - Minimum necessary for effective functioning
 - Visual and aesthetic impacts mitigated to the greatest extent feasible

Setbacks

Setbacks (Area without structures measured from a property line)		
<p>Traditional setbacks* apply to structures like TPSS and parking garage but does not apply to linear track</p> <p>*Note that setbacks are distinct from buffer areas. Landscape buffers are required from linear track segments and are described below</p>	<ul style="list-style-type: none"> • Helps manage project costs • Minimizes taking of private property • Treats linear track segments of alignment like other kinds of transportation ROW 	
<p>Require structure setback of defined width from all portions of the facility, including track segments</p>	<ul style="list-style-type: none"> • Drives additional property acquisition • May create additional non-conforming sites by reduction of adjacent yard setbacks 	<p>Significant cost increases with acquisition of additional property</p>

Setbacks – 20.25M.040.B.2

Changes in Response to Council Feedback

- ▶ Setbacks as required for underlying land use district
- ▶ Exceptions to the general rule
 - Setbacks not applicable to structures located in City or WSDOT right of way
 - Track alignment not considered a structure that requires a setback (this exception specifically not applicable to track used solely for maintenance, repair, storage)
- ▶ Landscape Buffers and Screening required independent of the setback requirement

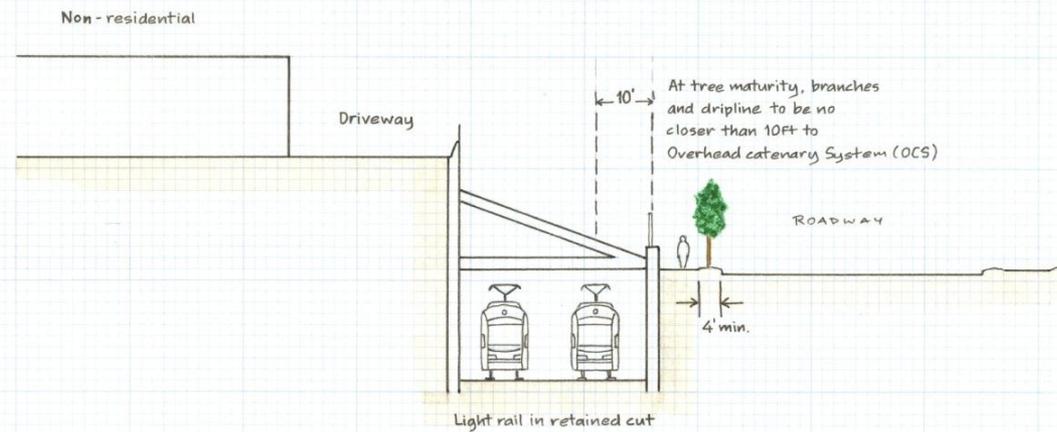
Landscape Development – ROW Buffer

Landscaping (Street side)		
Require consistent with street frontage requirements for city projects (vary by land use district)	<ul style="list-style-type: none"> • Allows maximum flexibility to respond to context • Formal CAC provides input and guidance on landscaping 	
Require dense or continuous vegetation between tracks and any pedestrian or bike facility, regardless of land use district	<ul style="list-style-type: none"> • Less flexibility • Potential improved environment for pedestrians • May require additional right-of-way with associated cost impacts • Potential ROW user safety issues (sight distance) • Formal CAC would provide input on landscape design 	Need for additional ROW increases project cost

Right of Way Buffer – 20.25M.040.C.3.a.i.(1)

Sidewalk Between Light Rail and Right-of-Way

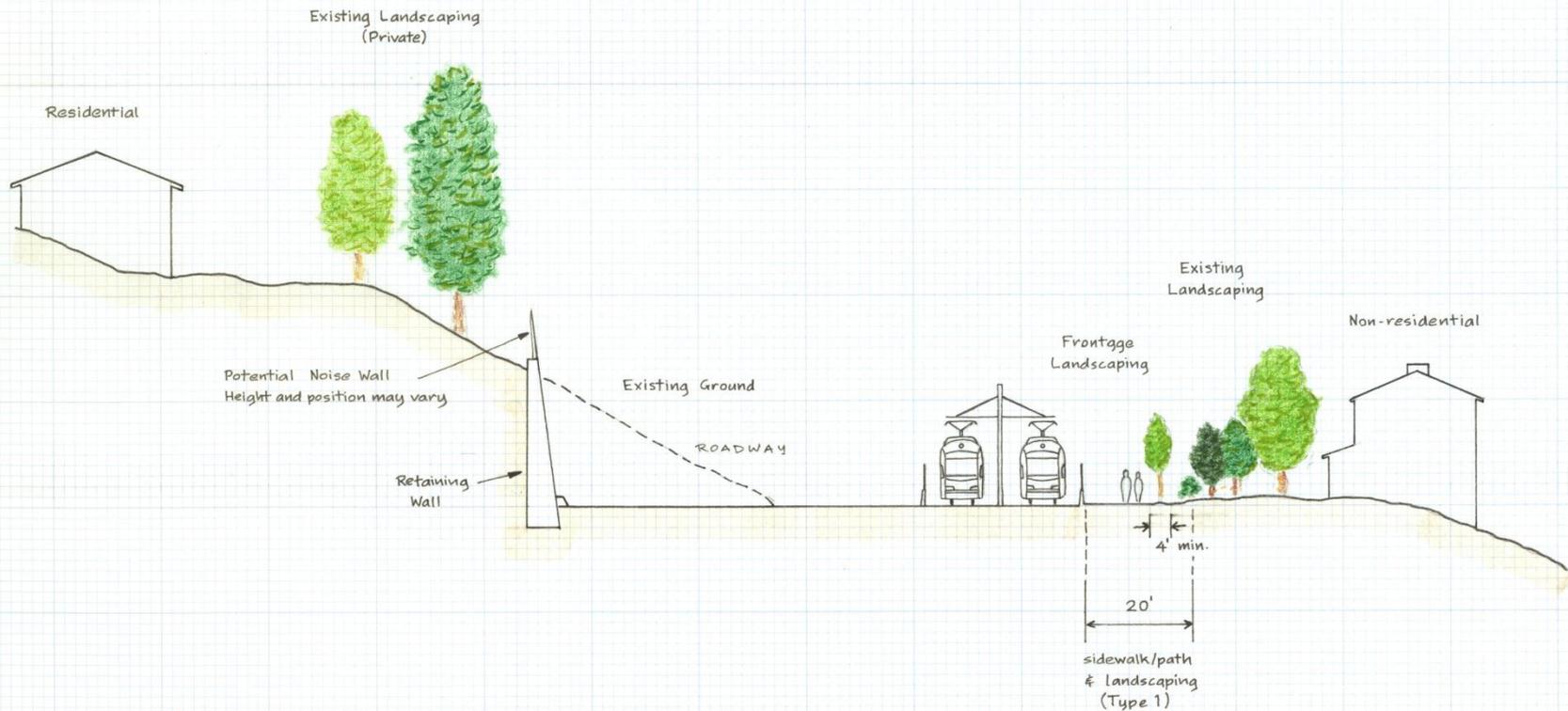
CONDITION:
Pedestrian facilities
between the light rail use
and the transportation
right-of-way



Right of Way Buffer – 20.25M.040.C.3.a.i.(2)

Sidewalk between Light Rail and Adjacent Property

CONDITION:
Pedestrian facilities between
the light rail use and
developed properties

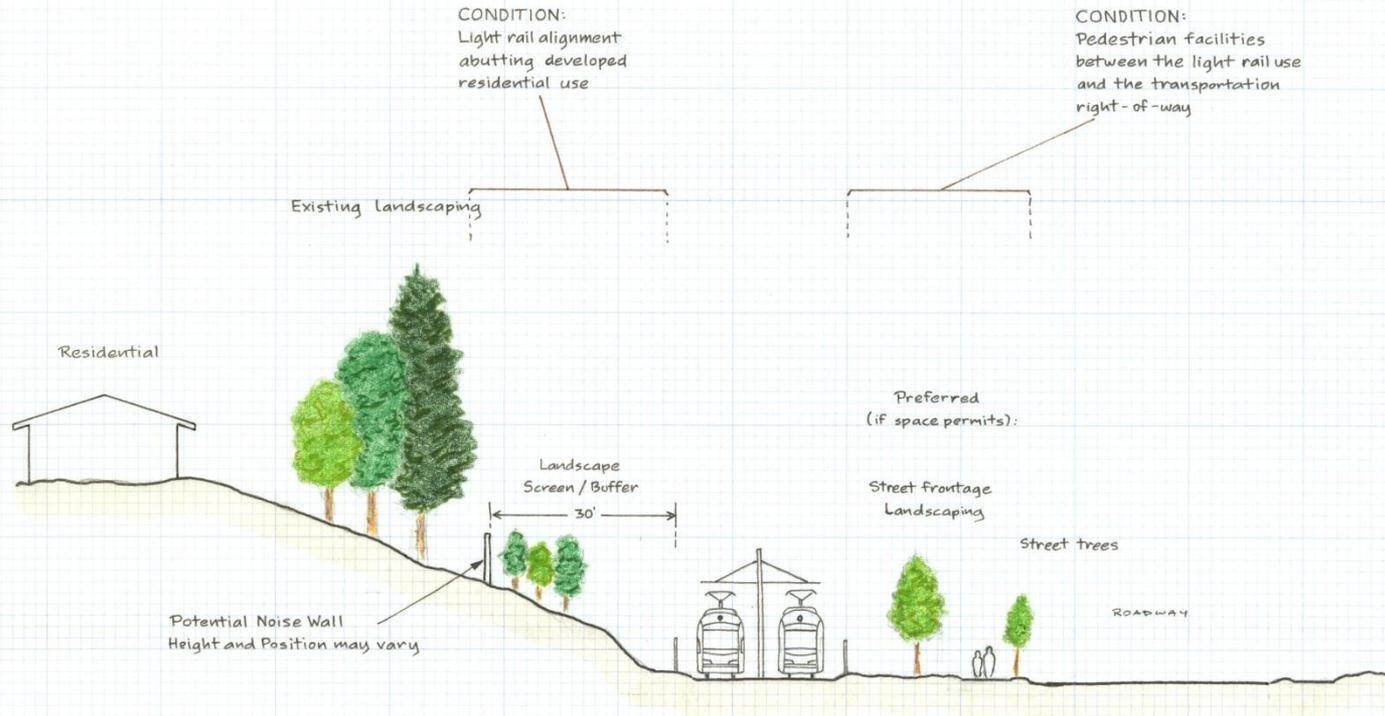


Landscape Development – Residential Development Screening

Landscaping (Adjacent to private property)		
<p>Require 30 feet of Type 1 (dense, screening) landscaping buffer adjacent to residential properties*; context sensitive landscaping consistent with underlying requirements for other land use districts</p> <p>*Landscaping could be located on private property . Noise walls may be located within this area. Landscaping depth and type may be modified on “private” side of any noise wall with property owner agreement</p>	<ul style="list-style-type: none"> • Provides maximum opportunity to buffer potential incompatible impacts between light rail and single-family residential uses • Maximum flexibility to respond to residential property owner interests • Formal CAC provides input and guidance on landscaping 	<p>Depth and density of landscaping may have minor project cost impact</p>
<p>As above with increased buffer dimension</p>	<ul style="list-style-type: none"> • Depending on magnitude of dimensional increase, more right of way necessary with associated cost impacts • More landscaping than required for other transition or buffer areas in City 	<p>Cost impact varies</p>

Residential Development Screening

— 20.25M.040.C.3.a.iii



Landscape Development – 20.25M.040.C

Changes in Response to Council Feedback

- ▶ Added applicability section to address gap areas
- ▶ Added purpose and intent sections to clarify screening and buffering objectives
- ▶ Added landscape screening standards for
 - Non-Linear Facilities (TPSS/other above ground features)
 - Linear Alignment
 - Pedestrian Facility Buffers
 - Adjacent Property Screening
- ▶ CAC involvement to ensure Context Sensitivity
- ▶ Landscape area ownership –fee, easement, access
- ▶ Landscape maintenance expectations
- ▶ Limitations on screening modification
 - Property owner can agree to reduce (maintains flexibility)
 - 15 foot minimum required (maintains corridor continuity)

Treatment of Critical Areas

Critical Areas Treatment		
<p>Adopt critical areas overlay by reference; allow for relief from technical alternatives analysis with Council approval*</p> <p>*Council approval could be through Development Agreement, ordinance, or resolution</p>	<ul style="list-style-type: none"> • Consistent with proposed treatment of city infrastructure and parks projects through PC recommendation on shorelines work • Ensures that impacts on critical areas are mitigated to the same level and extent as any other project in the city with impacts on critical areas • Manages community expectations on alignment 	
<p>As above EXCEPT require technical alternatives analysis</p>	<ul style="list-style-type: none"> • Creates uncertainty as to final alignment • Potentially inconsistent with other statutory provisions regarding light rail provider authority and EPF • Impacts shoreline permits and timing as well 	<p>Potential project delay and associated cost impacts</p>

Critical Areas Treatment – 20.25M.040.1

Changes in Response to Council Feedback

- ▶ Determined based on Use Approval Process
- ▶ When DA, Ordinance or Resolution adopted:
 - Regional Transit Authority not required to demonstrate “no technically feasible alternative with less impacts”
 - Deference given to Council alignment preference
- ▶ When no DA, Ordinance or Resolution:
 - Regional Transit Authority required to demonstrate “no technically feasible alternative with less impacts”
- ▶ Consistent with approach included in Shoreline Update by Planning Commission for City facilities such as road and utility projects

Other Development Standards– Changes in Response to Council Feedback

- ▶ Context Sensitivity requirement added for design features:
 - Landscape Development – 20.25M.040.C
 - Fencing – 20.25M.040.D
 - Mechanical Equipment – 20.25M.040.F
- ▶ Impact mitigation requirement added to Parking and Circulation standards
 - Stations without parking facilities must develop management plan to address potential “drop-off” impacts – 20.25M.040.G.4

Council Direction on Design Guidelines

- ▶ Additional content required:
 - Guidelines need to be more thoroughly developed
- ▶ Relationship to CAC must be clear
 - CAC needs direction on how to use the guidelines in their work

Design Guidelines – 20.25M.050

Changes in Response to Council Feedback

- ▶ Intent added to clarify Guideline purpose to:
 - Ensure facility design is consistent with Comp Plan including Light Rail Best Practices
 - Provide guidance to CAC on existing and planned context through which alignment passes
 - Guide CAC review of design for context sensitivity
- ▶ Context/Design Considerations added by Subarea
- ▶ Section of Overlay reorganized
 - General Guidelines applicable to System or Facility
 - Additional guidelines for specific facility components (e.g., TPSS)

Administrative Modification Process

Administrative Modification Process		
<p>Allow modification of otherwise applicable standards where necessary to accommodate other Council decisions</p>	<ul style="list-style-type: none"> • Allows for flexibility to address future decisions on alignment and cost savings without need for additional code amendment • Consistent with MOU goals • Consistent with EPF requirements 	
<p>Only allow modification where necessary to make light rail practicable</p>	<ul style="list-style-type: none"> • Meets minimum EPF requirements • Creates uncertainty for Sound Transit • May require additional code amendments depending on outcome of future alignment decisions 	

Administrative Modification Process– Changes in Response to Council Feedback

- ▶ Section reorganized – 20.25M.060
 - Decision criteria consolidated into a new paragraph
 - Limitations on modifications added
- ▶ Limitations similar to those imposed on Variances:
 - No modifications allowed to uses
 - No modifications allowed to process provisions
 - No modifications allowed to provisions specifically identified by Overlay as not subject to modification (example – minimum 15 foot landscape screen)

Treatment of Nonconformities

Treatment of any created non-conformities		
Specifically acknowledge that any non-conforming site condition (lot size, etc.) resulting from property acquisition for public project is a legal non-conformity	<ul style="list-style-type: none"> • Codifies existing City practice with respect to other public projects • Provide certainty for any property owner impacted by partial acquisitions 	
Do not modify existing non-conforming definitions	<ul style="list-style-type: none"> • Maintains status quo administered by staff • Creates uncertainty for property owners left with modified lot dimensions 	

Treatment of Nonconformities– Changes in Response to Council Feedback

- ▶ Included in conformance amendments:
 - Located at the end of the Light Rail Overlay
 - Amendments proposed to ensure consistent with sections of the Land Use Code outside the Overlay

- ▶ Definitions section of the Land Use Code – Chapter 20.50 recommended for modification
 - Consistent with current practice for City and WSDOT transportation projects
 - Provides certainty for property owners where a portion of their property is acquired for:
 - Public right of way
 - Regional Light Rail Transit System or Facility
 - Protects legal status of property even when modified by partial take necessary for transportation–related project

Council Input Needed

- ▶ Confirm Content of Draft Code for presentation at the Public Hearing
- ▶ Provide direction to complete preparations for the public hearing
 - Prepare clean Overlay Draft
 - Prepare conformance amendments

Next Steps

- ▶ February 4 – Confirm Overlay Content
- ▶ Early February – SEPA Threshold Determination
- ▶ February 11 – Public Hearing
- ▶ February 19/25 – Opportunity for Final Council Action

For more information, see East Link Project website at:
<http://www.bellevuewa.gov/light-rail-overlay.htm>